

said means for retrieving a set of rules retrieves a set of rules that define product interests of the subscriber; and

said means for generating the subscriber profile generates the subscriber profile identifying product interests of the subscriber.--

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Remarks

Status

10 All of the pending claims (20-51) are under final rejection. The pending claims are herein canceled without prejudice or disclaimer to the subject matter contained therein. New claims 52-82 have been added. Claims 52, 70, 74, 75 and 79 are the independent claims. It is submitted that claims 52-82 are patentable over the cited references for at least the reasons discussed below.

15 *Discussion*

The Examiner rejected claims 20, 26, 28-31, 39, 43 and 45-51 under 35 U.S.C. §102(e) as being anticipated by *Williams et al.* (U.S.P. 5,977,964). The Examiner rejected claims 21-25, 27, 32-38, 40-42 and 44 under 35 U.S.C. §103(a) as being unpatentable over *Williams et al.* It is submitted that new claims 52-82 are clearly patentable over *Williams et al.* for at least the following reasons.

25 Independent claim 52 is directed to a method for generating a subscriber profile. The method includes processing subscriber interactions to generate viewing characteristics that identify viewing traits associated with the subscriber. Heuristic rules associated with the viewing characteristics are retrieved, wherein the heuristic rules predict traits about the subscriber not related to the viewing characteristics. The subscriber profile is generated by applying the heuristic rules to the viewing characteristics.

While heuristic rules, or “rules of thumb that usually work” are known to those skilled in the art (see Amsbury, p. 288) there is clearly no disclosure or suggestion in *Williams et al.* of retrieval of heuristic rules (associated with the viewing characteristics, and predicting traits about the subscriber not related to the viewing characteristics) or generating the subscriber profile by applying the heuristic rules, as required by claim 52. To the contrary, *Williams et al.* disclose a method for configuring a system based on users preferences. The *Williams et al.* system “determines which user of a plurality of known system users is currently using system 100” (see col. 5, lines 37-38) and then “configures system configuration settings of system 100 in accordance with the user preference information” (see col. 5, lines 42-46).

Fig. 8 illustrates a user profile database 800, which one can readily see by viewing the figure is a database for simply storing preference data for each user for each piece of equipment. All of the attributes captured in the user profile database 800 (including viewing activities) are related to the users interactions with the system. Any rules potentially used by *Williams et al.* to generate the user profile database 800 would clearly be related to the user interactions, and would not predict traits about the subscriber not related to viewing characteristics, as required by claim 52. Moreover, as the user profile of *Williams et al.* is simply a compilation of interactions and/or preferences there is no clearly motivation for retrieving heuristic rules (not related to the viewing activities) and generating a profile based thereon, as required by claim 52.

For at least the reasons advanced above, it is clear that *Williams et al.* do not disclose or suggest retrieving heuristic rules or generating a profile based on the heuristic rules, as required by claim 52. Accordingly, claim 52 is submitted to be patentable over *Williams et al.* Moreover, claims 53-69 depend from claim 52 and are therefore submitted to be patentable over *Williams et al.* for at least the reasons addressed above with respect to the patentability of claim 52, and for the further features recited therein.

For example, claim 54 recites that the heuristic rules are probabilistic in nature and claim 55 recites that the subscriber profile is probabilistic in nature. There is clearly no disclosure or suggestion in *Williams et al.* of probabilistic rules or a probabilistic profile, as required by claims 54 and 55 respectively. Claim 56 recites that the heuristic rules define demographic traits and claim 57 recites that the subscriber profile identifies demographic traits. There is clearly no disclosure or suggestion in *Williams et al.* of demographic rules or a demographic profile, as

required by claims 56 and 57 respectively. Claim 58 recites that the heuristic rules define product interests and claim 59 recites that the subscriber profile identifies product interests. There is clearly no disclosure or suggestion in *Williams et al.* of product interest rules or a product interest profile, as required by claims 58 and 59 respectively.

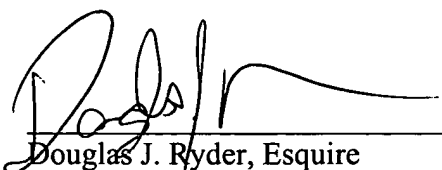
5 Independent claims 70 and 74 are method claims that recite limitations that are similar to those of independent claim 52. Independent claim 70 and claims 71-73 that depend therefrom and independent claim 74 are submitted to be patentable over *Williams et al.* for at least similar reasons to those advanced above with respect to claim 52. Independent claims 75 and 79 are system claims that recite similar limitations to method claims 52, 70 and 74. As such,
10 independent claim 75 and 76-78 that depend therefrom, and independent claim 79 and 80-82 that depend therefrom, are submitted to be patentable for at least similar reasons to those addressed above with respect to the method claims.

Conclusion

15 For the foregoing reasons, Applicant respectfully submits that claims 52-82 are in condition for allowance. Accordingly, early allowance of claims 52-82 is earnestly solicited.

 If the Examiner believes that a conference would be of value in expediting the prosecution of this Application, the Examiner is hereby invited to contact the undersigned attorney to set up such a conference.

20 Respectfully submitted,

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